

ALEXANDER GUERRERO TORO,

Plaintiff,

-against-

NORTHSTAR DEMOLITION & REMEDIATION,

Defendant.

RECEIVED
ELIZABETH A. WOLFORD
Civ.No: 16-CV-06610
(EAW)
JAN 25 2018

United States District Judge
Western District of New York

PLAINTIFF

Hon. Elizabeth A. Wolford, U.S.D.J.
United States District Court for the
Western District of New York
Kenneth B. Keating Federal Building
100 State Street
Rochester, New York 14614

January 22, 2018

Dear Judge Wolford :

I received a motion on January 11, 2018, about the company's request to dismiss the case, I answer this motion by presenting files related to my case and reliable evidence of the discrimination committed.

In the company's petition there is an accompanying statement from the person Wendy J. Melk, Esq, who is a lawyer for NorthStar Demolition and Remediation, LP. , mentioning that it is related to my case, this person today January 15, 2018, is the first time I hear his name and is mentioned in my case, never before until today I received a notification that is the legal representative of the company NorthStar Demolition and Remediation, LP. and since it is never related to my case, I ask you not to accept any document or statement that comes from this person or that is related to this person, because for me it is a totally unknown person and, therefore, can not relate to My case.

Below I present the different files that my case contains:

File (A) Decision and Investigation of human Rights.

This file includes the facts as they happened on the day of my dismissal, with the case number of Human Rights No. (10179151) with federal case number No. (16GB601007), this file includes the decision and investigation led by New York State Division Human Rights.

File Number (1) Unjustified Dismissal.

This File collects the evidence that was still working to work Full time and the evidence of the falsity of the statements presented by the company against me. The statement of Philip Piedmont and Adriel Y. Pereira are false, and the documents shown in this file ratify it and I can prove it in front of a jury.

File Number (2) The Medical Recommendations made by Doctor were not Followed.

This file shows how the company violated the medical restrictions imposed by the doctor (in this file the photos were given to the Hon. Elizabeth A. Wolford, the photos were identified by the company attorney NorthStar Demolition and Remediation Tania J Mistretta, having in her possession these copies.)

File Number (3) Medical and Physical problems due to the Work I did and the conditions in which they put me to work.

This file includes the conditions in which I was working and the medical problems caused where in an oral trial I can demonstrate the abuse and the subhuman conditions in which the company had me working.

File Number (4) Events and notifications to the company of Cases No. 10178548 and 10178236.

File Number (5) Psychological Exam

I submit the last Psychological exam done since there is a file with all the medical records and the Psychological, Mental and Depressive consequences that the dismissal of the company NorthStar Demolition and Remediation has caused me.

I have submitted and sent the necessary evidence for the oral trial to take place and give me the opportunity to present myself and defend myself in front of a jury. If any additional information is needed, it will gladly be given.

Sincerely

Alexander Guerrero Toro.

Dated: ROCHESTER, New York
January 22 ,2018



ALEXANDER GUERRERO TORO
610 Calm Lake Cir. Apto B
ROCHESTER, NEW YORK , 14612

(A) Decision and Investigation of human Rights.

Alexander Guerrero Toro
610 Calm Lake Cir Apto B
Rochester , NY 14612

Case Number 10179151

I Alexander Guerrero Toro I do not agree with any of the statements made by NorthStar Demolition and Remediation, Inc., since they are false and extorted, the documents shown have a lack of credibility which I recommend that it be investigated for possible manipulation and falsification of Documents.

The Acts occurred as follows, and for proof and veracity of my word also along with my statement I show the documents that support the veracity of my words.

On December 14, 2015 at 11:20 am when I leave the dining room Eddie de Jesus greets me and I say the following: That his greeting was from Juda that I betrayed Jesus for 30 pieces of silver and I wonder why I I told him that he betrayed me by making a false statement in the investigation of my lesson, and that he knew that what he had said was totally false, that he knew the truth, I told him that notwithstanding that I did not care because I had a surprise, because I had the proof and the witness of which was the truth.

On December 21, 2015 at 11:30 am Jeff Beckingham called me to the office and was there with the other of the security chiefs who served as translator, and two more people connected the phone the speaker, they me They say they were worried about what I told Eddie de Jesus that I had a surprise, and they needed to know if that was a threat or what it was about.

I explained the same thing to Eddie de Jesus, which was the evidence and witnesses that I had to support the lie that he had said with the false testimony that he gave of my injury, the person who was with Jeff I never I had seen, and I explained that I had been mistreated and that I did not receive the necessary medical attention when I was injured and when the person present asked me what the abuse was Jeff Beckingham quickly says that he does not want to continue talking and is over the conversation .

At 4.30 pm when I sign Jeff Beckingham tells Javier that he needed to talk to me in the presence of another worker and tells me that he could not have me in the company because of my injury and the restrictions I had, that I I would give him the helmet, the glasses and the shirt with the logo of the company and he says that because I give it to him and I answer him that if he says goodbye to me I would have him that would be my last Work because I was not willing to take more abuse to my person and disrespect and I withdraw from the office. When I leave the checkpoint that is the exit where the security guards are at 4: 42 pm the security check me out the pass that was the one that allowed me to enter the plant





**Division of
Human Rights**

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

ALEXANDER GUERRERO TORO,

Complainant,

v.

NORTHSTAR DEMOLITION & REMEDIATION, LP,
Respondent.

DETERMINATION AFTER
INVESTIGATION

Case No.
10179151

Federal Charge No. 16GB601007

On 12/24/2015, Alexander Guerrero Toro filed a verified complaint with the New York State Division of Human Rights ("Division"), charging the above-named Respondent with an unlawful discriminatory practice relating to employment because of disability, opposed discrimination/retaliation in violation of N.Y. Exec. Law, art. 15 ("Human Rights Law").

After investigation, the Division has determined that it has jurisdiction in this matter and that PROBABLE CAUSE exists to believe that the Respondent has engaged in or is engaging in the unlawful discriminatory practice complained of.

Pursuant to the Human Rights Law, this matter is recommended for public hearing. The parties will be advised of further proceedings.

Dated: **APR 11 2016**
Rochester, New York

STATE DIVISION OF HUMAN RIGHTS

By:

Julia B. Day
Julia B. Day
Regional Director

**NEW YORK STATE
DIVISION OF HUMAN RIGHTS**

TO: Files

REGION: Rochester

FROM: Julia B. Day
Regional Director

DATE: April 5, 2016

SDHR CASE NO: 10179151-15-E-DO-E

Federal Charge No. 16GB601007

SUBJECT: Alexander Guerrero Toro v. NorthStar Demolition & Remediation, LP

FINAL INVESTIGATION REPORT AND BASIS OF DETERMINATION

I. CASE SUMMARY

This is a verified complaint, filed by complainant, Alexander Guerrero Toro, on Thu 12/24/2015. The complainant who has carpal tunnel syndrome and filed prior NYS Division of Human Rights complaints against Respondent, charges the respondent with unlawful discriminatory practices in relation to employment because of disability, opposed discrimination/retaliation.

II. SUMMARY OF INVESTIGATION

Complainant's Position:

Complainant states that on December 21, 2015, he was called into a meeting and told that Respondent could not give him any work due to his medical restrictions and disability. Complainant also says that he was informed that Worker's Compensation would contact him to pay him. Complainant maintains that he had no say in the decision and he asserts that he was terminated due to his disability and prior discrimination and safety complaints.

Respondent's Position:

Respondent denies discriminating against Complainant. Respondent states that it continued to offer Complainant light duty work assignments since his restrictions were put in place in September of 2015, even though he was not able to perform his duties of general laborer with or without a reasonable accommodation. Respondent states that Complainant expressed concerns and dissatisfaction with any task assigned to him; as a result, Respondent says that it met with Complainant on December 21, 2015 in an attempt to accommodate his significant restrictions. Respondent states that during the meeting, it was agreed that because of Complainant's

dissatisfaction with performing the available tasks, he would go on a leave of absence until his medical restrictions were lifted, during which time he would be eligible to collect workers' compensation benefits. Respondent asserts that Complainant expressed that he was happy to go on this leave, since he would get paid \$800 per week for 18 months to stay home and do nothing. Respondent maintains that it did not terminate Complainant's employment and expressly communicated to him that he was not being discharged. Respondent states that Complainant was told that his position would be held open for him and that he remains an employee of the company. Respondent states that while leaving the meeting on December 21, 2015, Complainant returned his safety equipment, despite being informed that he was not being laid off and he should keep his equipment. Respondent states that Complainant responded that he would not be coming back and that this was his last asbestos job. Respondent states that it had legitimate, non-retaliatory reasons for offering Complainant leave.

Investigator's Observations:

There are three companion complaints that Complainant has filed against Respondent: cases #10178236 (filing date October 30, 2015), #10178548 (filing date November 19, 2015) and #10179151 (filing date December 24, 2015). The first two cases resulted in a finding of No Probable Cause.

It should be noted that retaliation for OSHA complaints, as alleged in the complaint, is beyond the purview of the NYS Division of Human Rights.

The investigation of Complainant's prior cases showed that Complainant was injured in August of 2015, that he had medical restrictions, and that Respondent accommodated his medical restrictions with light duty assignments.

Investigation revealed that Respondent held a meeting with Complainant on December 21, 2015; however, the parties dispute what occurred during that meeting. According to Respondent, Complainant was unhappy with the light duty work assignments and did not want to do them, so Complainant was offered disability leave. Respondent further asserts that Complainant was happy to go on worker's compensation at that time. The employee who was present as a witness and the employee who acted as the Spanish interpreter at that meeting corroborated Respondent's version of the meeting. (See, Respondent's submission, received 3/23/16). Complainant maintains that he had no say in the decision to go on leave and that he was told that his employment was terminated.


Respondent states that it did not learn of Complainant's second and third NYS Division of Human Rights complaints until January 5, 2016; however, there is no dispute that Respondent received the first complaint prior to December 21, 2015.

Submitted by: Jami Kaplan (JO)
Jami Kaplan
Human Rights Specialist II

III. BASIS FOR DETERMINATION


Investigation showed that Complainant injured his arm/wrist in August of 2015 and was subsequently diagnosed with carpal tunnel syndrome. Complainant was released to return to work with restrictions, and Respondent accommodated him with light duty assignments. Investigation showed that on December 21, 2015, a meeting was held with Complainant; however, the parties dispute what transpired during the meeting. According to Respondent, Complainant was unhappy with the light duty assignments and complained about them, so Complainant was offered the option of going out on disability leave. Respondent contends that Complainant was happy with the arrangement of going out on worker's compensation. Complainant disputes Respondent's characterization of the December 21, 2015 meeting, and asserts that Respondent terminated his employment because of his injuries. There is also temporal proximity between the filing of Complainant's prior NYS Division of Human Rights complaint in October of 2015 and his allegations regarding the December 21, 2015 meeting; Respondent asserts that it did not receive the other complaints until January of 2016. There are material issues of fact remaining, including but not limited to, whether Complainant's employment was terminated on December 21, 2015; whether Complainant was offered medical leave, and if so, whether that leave was involuntary; whether the respondent could have continued the accommodations previously afforded to the complainant and if the complainant was willing to accept those accommodations, and whether Complainant was subjected to any unlawful adverse employment action because of his disability and/or prior NYS Division of Human Rights complaint(s). These issues of material fact are best resolved in the context of a full public hearing, where there is sworn testimony and the opportunity for cross-examination. Therefore, there is probable cause to support the allegations of the complaint.

Reviewed & Approved:


Jami Kaplan
Human Rights Specialist II

IV. DETERMINATION

Based on the foregoing, I find Probable Cause to support the allegations of the complaint.


Julia B. Day
Regional Director

(1) unjustified dismissal

MATTHEW GRIER, D.O.
GERALD J. LEGLUE, JR., M.D.
Elissa Hughes, F.N.P.

Greg Maier, D.P.T.
Brianne Sisca, RPAC
Christina Morris, D.P.T.

RETURN TO WORK STATUS FORM

Patient Name: Guerra-Pru, Alexandra

NY PHYSICAL MEDICINE CENTER
1295 Portland Avenue, Ste 9
Rochester, NY 14621
Phone: (585) 544-6410
Fax: (585) 544-9247

Matthew Grier, D.O.

Gerald J. Leglue, Jr., MD

Brianne Sisca, RPAC

Elissa Hughes, FNP

TO BE COMPLETED BY PHYSICIAN:

(see next page for physical requirements of employee's duties)

Considering this employee's job duties and health condition, this employee may perform work in the following manner:

_____ FULL DUTY (no restrictions) beginning: Date: _____

✓ _____ TEMPORARY ASSIGNMENT (modified or alternate duty) beginning: Date: 11/20/15

Estimated Length of Temporary Assignment 12 wks

☒ Full time ☐ Part Time (____ Hours per day)
(Please indicate restrictions to duty on next page.)

avoid repeated writing
of paper work.
max lift 10 #,
Right upper extremity;
avoid repeated grip/grasp
ulnar/radial deviation

_____ OFF WORK until re-evaluation. DATE OF NEXT OFFICE VISIT: 1/13/16

Physician's Signature: 

Date: 11/20/15

FOR AGENCY USE

Temporary Duty Assignment Begins: _____ Ends: _____

Temporary Duty Assignment: _____

EMPLOYEE INSTRUCTIONS

Return this form to your supervisor immediately after each visit to your health care provider.



Robert E. Beloten
Chair

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
PO BOX 5205
BINGHAMTON, NY 13902-5205
www.wcb.ny.gov
(866) 211-0644

State of New York - Workers' Compensation Board

In regard to ALEXANDER GUERRERO-TORO, WCB Case #G119 8917

NOTICE OF DECISION

keep for your records

At the Workers' Compensation hearing held on 01/26/2016 involving the claim of ALEXANDER GUERRERO-TORO at the Rochester hearing location, Judge Lawrence Abreu made the following decision, findings and directions:

AWARD : The employer or insurance carrier is directed to pay the following awards, less payments already made by the employer or carrier, for the periods indicated below, unless employer or carrier files an application within 30 days after the date on which the decision was duly filed and served.

| weeks | for disability over a period of from | to | at rate per week | the sum of |
|-----------------------------|-----------------------------------------|------------|---------------------|------------|
| 0 | 12/3/2015 | 12/21/2015 | \$0.00 | \$0.00 |
| - No compensable lost time. | | | | |
| 5.4 | 12/21/2015 | 1/27/2016 | \$272.50 | \$1,471.50 |

Carrier to continue payments at \$272.50.

FEES:

As lien on above award payable by separate check by carrier TO CLAIMANT'S REPRESENTATIVE OR ATTORNEY:

| | |
|----------|---------------------------|
| Sum of | To |
| \$125.00 | Law Offices of Jose Perez |

deducted at \$10.00 per week

DECISION: Parties are directed to submit deposition transcript(s) of Dr. Shankman and Dr. Grier, pursuant to Sections 121 and 142 of the New York State Workers' Compensation Law. Deposition transcript(s) should be submitted by 3/29/2016 for further adjudication by a WC Law Judge. To insure the timely submission of the

*** Continued on next page ***

| | | | |
|-----------------------|-------------------------|-----------------------------------|----------------------------|
| Claimant - | ALEXANDER GUERRERO-TORO | Employer - | LVI SERVICES INC |
| Social Security No. - | | Carrier - | New Hampshire Insurance Co |
| WCB Case No. - | G119 8917 | Carrier ID No. - | W154009 |
| Date of Accident - | 08/21/2015 | Carrier Case No. - | 555186537 |
| District Office - | Rochester | Date of Filing of this Decision - | 01/29/2016 |

ATENCION:

Puede llamar a la oficina de la Junta de Compensacion Obrera, en su area correspondiente, cuyo numero de telefono aparece al principio de la pagina y pida informacion acerca de su reclamacion(caso).



Robert E. Beloten
Chair

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
PO BOX 5205
BINGHAMTON, NY 13902-5205
www.wcb.ny.gov
(866) 211-0644

State of New York - Workers' Compensation Board

In regard to ALEXANDER GUERRERO-TORO, WCB Case #G119 8917

NOTICE OF DECISION

keep for your records

At the Workers' Compensation hearing held on 03/09/2016 involving the claim of ALEXANDER GUERRERO-TORO at the Rochester hearing location, Judge Paul Kotwas made the following decision, findings and directions:

AWARD : The employer or insurance carrier is directed to pay the following awards, less payments already made by the employer or carrier, for the periods indicated below, unless employer or carrier files an application within 30 days after the date on which the decision was duly filed and served.

| weeks | for disability over a period of | at rate | the sum of |
|---------------------------------|---------------------------------|----------|------------|
| | from to | per week | |
| 11.6 | 12/21/2015 to 3/10/2016 | \$318.08 | \$3,689.73 |
| - Temporary partial disability. | | | |
| - Modification of Prior award. | | | |

Carrier to continue payments at \$318.08 temporary partial disability.

FEES:

As lien on above award payable by separate check by carrier TO CLAIMANT'S REPRESENTATIVE OR ATTORNEY:

| | |
|----------|---------------------------|
| Sum of | To |
| \$150.00 | Law Offices of Jose Perez |

deducted at \$15 per week and payable when fully accumulated

DECISION: The claimant ALEXANDER GUERRERO-TORO has an occupational disease which is amended to include bilateral carpal tunnel syndrome and left elbow ulnar neuropathy. The claimant's average weekly wage for the year worked before this work related injury or occupational disease is \$954.25 per payroll. Carrier is directed

*** Continued on next page ***

| | | | |
|-----------------------|-------------------------|-----------------------------------|----------------------------|
| Claimant - | ALEXANDER GUERRERO-TORO | Employer - | LEVI SERVICES INC |
| Social Security No. - | | Carrier - | New Hampshire Insurance Co |
| WCB Case No. - | G119 8917 | Carrier ID No. - | W154009 |
| Date of Accident - | 08/21/2015 | Carrier Case No. - | 555186537 |
| District Office - | Rochester | Date of Filing of this Decision - | 03/14/2016 |

ATENCION:

Puede llamar a la oficina de la Junta de Compensacion Obrera, en su area correspondiente, cuyo numero de telefono aparece al principio de la pagina y pida informacion acerca de su reclamacion(caso).

D
285-0769

+
TCC 413.2

Summary of Statement

NAME: ALEXANDER GUERRERO TORO SS# 107-98-5276 LO# 0839
Effective Date: 12/21/2015

Employer Name NORTHSTAR DEMOLITION AND
Employer Telephone Number 585 - 233 - 9669
Today's Date 01/19/2016 @ 11:00 AM
ISSUE: MC/WC/CA
Issue Detection Date: 12/27/2015 Issue Source: OC

Statement taken by: VERONICA VELEZ

☒ Translation provided. Language Spanish

Statement taken from the claimant:

My last day worked was 12/21/15. I was discharged because my employer had no more work for me within my limitations. That was all I was told on 12/21/15. No other explanation was provided.

WC:

I am an asbestos remover. On 8/14/15 I went to work as normal and for the past 5 months I had been working with a power washer machine. That day on 8/14/15 my hand was stiffed cramped and in severe pain and swollen when I tried to press the hose handle. I kept working like that but on 8/21/15 my employer finally sent me to a doctor. He told me I had carper tunnel syndrome from a repetitive work. The doctor never took me out of work but I filed for a workers compensation case. I kept working with restrictions of no repetitive motion and no lifting over 10 lbs. My employer allowed me to keep working watching the water tanks. But on 12/21/15 I was discharged because he said he no longer had any work for me. I still have litigations with my WC case. He should not have discharged me. But he did. I have not received any payment for WC and we have a hearing set for 1/26/16.

Ca:

I am capable to work as of 12/21/15.

Although I still have restrictions of my right hand I am capable to work as long as I don't do repetitive movemnet and don't lift over 10lbs. I already provided the medical information and the WC papers. I am hoping to find work within my restrictions. But is going to be difficul because I am an asbstos remover and no company is going to hire me knowing I have limitations due to injuries from working at another company. But I am capable to work and I am looking for work.

I understand that in order to be eligible for NYS unemployment Insurance Benefit I must be ready willing and capable to look and accept work. I understand that if I am not capable to work I must notify the department of labor through my weekly certifications or by calling the telephone claim center. I am capable to work. I am looking for any work that will hire me within my restrictions. I cant do repetitive movements and I cant lift more than 10lbs.

+ 01-05 TCC413.2

Page 1 of 2
+

+ +
I understand that to help my work search I should go to my local workforce office. I already providee the medical documentation.

2nd Statement taken at 11:45am on 1/19/16:

I understand that my employer has indicated that my WC case was going to be paid out. I have not received any information. I understand that if I go het approved for WC I must notify the telephone claim center immediately because I may have to receive a deduction of my unemployment benefit and possibly an overpayemtn of the weeks I may have already received.

Menu Department of Labor

Official Record of Benefit Payment History

Current Claim

| | |
|---------------------------|-------------------------|
| Name: | Alexander Guerrero toro |
| Social Security Number: | XXX-XX-5276 |
| Start/Effective Date: | 12/21/2015 |
| Benefit Year Ending Date: | 12/25/2016 |
| Weekly Benefit Amount: | \$417.00 |
| Maximum Amount Payable: | \$10,842.00 |
| Effective Days Remaining: | 49 |

Latest Transaction(s) as of 08/18/2016

- You last certified for benefits for the week ending 07/24/2016.
- Your payment for the week ending 04/03/2016 was released on 04/04/2016.

Effective Days

Each day in a week (Monday through Sunday) that you qualify for benefits is called an effective day. There is a maximum of 4 effective days each week, and you must qualify for all 4 effective days in order to receive your total weekly benefit rate. For each day in the week that you are not eligible to receive benefits, you will receive one less effective day, which is equivalent to one fourth of your weekly benefit rate. For example, if you are not available to work one day in a week, or if you have worked any part of a day, or have received vacation or holiday pay for one day in a week, your benefits will be reduced by one effective day (the same as one-quarter of your benefit rate). You can receive a maximum of 104 effective days on your claim.

Please allow three business days for benefits to be available.

- If a payment was released and three days have passed and funds are not in your account, Direct Payment Card customers should contact Chase Customer Service at 1-877-221-1634.

Customers who have benefits directly deposited into a personal checking account should contact their own bank.

- If a payment is not listed as released within two business days of your certification, you may contact the Telephone Claims Center (TCC) at the toll-free 1-888-209-8124 number (1-877-358-5306 for out-of-state residents) between 8:00 am and 5:00 pm, Monday through Friday.

Failure to complete and return questionnaires mailed to you will delay your claim or result in the denial and/or suspension of benefits.

Payment History

| Week Ending | Total Amount | Net Amount | Effective Days | Release Date | Type |
|-------------|--------------|------------|----------------|--------------|---------------------|
| 04/03/2016 | \$417.00 | \$364.88 | 4 | 04/04/2016 | Direct Payment Card |
| 03/27/2016 | \$417.00 | \$364.88 | 4 | 03/28/2016 | Direct Payment Card |
| 03/20/2016 | \$417.00 | \$364.88 | 4 | 03/21/2016 | Direct Payment Card |
| 03/13/2016 | \$417.00 | \$364.88 | 4 | 03/14/2016 | Direct Payment Card |
| 03/06/2016 | \$417.00 | \$364.88 | 4 | 03/07/2016 | Direct Payment Card |
| 02/28/2016 | \$417.00 | \$364.88 | 4 | 02/29/2016 | Direct Payment Card |
| 02/21/2016 | \$417.00 | \$364.88 | 4 | 02/22/2016 | Direct Payment Card |
| 02/14/2016 | \$417.00 | \$364.88 | 4 | 02/15/2016 | Direct Payment Card |
| 02/07/2016 | \$417.00 | \$364.88 | 4 | 02/08/2016 | Direct Payment Card |
| 01/31/2016 | \$417.00 | \$364.88 | 4 | 02/01/2016 | Direct Payment Card |
| 01/24/2016 | \$309.75 | \$271.04 | 4 | 01/25/2016 | Direct Payment Card |
| 01/24/2016 | \$107.25 | \$107.25 | 0 | 01/29/2016 | Offset |
| 01/03/2016 | \$0.00 | \$0.00 | 1 | 01/20/2016 | Waiting week |
| 12/27/2015 | \$0.00 | \$0.00 | 3 | 01/19/2016 | Waiting week |
| 01/17/2016 | \$312.75 | \$312.75 | 3 | 01/22/2016 | Offset |
| 01/17/2016 | \$0.00 | \$0.00 | 1 | 01/20/2016 | Forfeit |
| 01/10/2016 | \$0.00 | \$0.00 | 4 | 01/20/2016 | Forfeit |
| 01/03/2016 | \$0.00 | \$0.00 | 3 | 01/20/2016 | Forfeit |

**(2) t h e m e d i c a l
r e c o m m e n d a t i o n s m a d e
b y t h e d o c t o r w e r e n o t
f o l l o w e d .**

New York Physical Medicine Center, LLC

MATTHEW GRIER, D.O.
GERALD J. LEGLUE, JR., M.D.
Elissa Hughes, F.N.P.

Greg Maier, D.P.T.
Brienne Sisco, RPAC
Christina Morris, D.P.T.

RETURN TO WORK STATUS FORM

Patient Name: Guerra, Tan, Alexandre

NY PHYSICAL MEDICINE CENTER
1295 Portland Avenue, Ste 9
Rochester, NY 14621
Phone: (585) 544-6410
Fax: (585) 544-9247

Matthew Grier, D.O.

Gerald J. Leglue, Jr., MD

Brienne Sisco, RPAC

Elissa Hughes, FNP

TO BE COMPLETED BY PHYSICIAN:

(see next page for physical requirements of employee's duties)

Considering this employee's job duties and health condition, this employee may perform work in the following manner:

_____ FULL DUTY (no restrictions) beginning: Date: _____

☒ TEMPORARY ASSIGNMENT (modified or alternate duty) beginning: Date: 9/18/15

Estimated Length of Temporary Assignment 8 wks

☒ Full time ☐ Part Time (____ Hours per day)

(Please indicate restrictions to duty on next page.)

*no use of right
upper extremity*

_____ OFF WORK until re-evaluation. DATE OF NEXT OFFICE VISIT: _____

Physician's Signature: 

Date: 9/18/15

FOR AGENCY USE

Temporary Duty Assignment Begins: _____ Ends: _____

Temporary Duty Assignment: _____

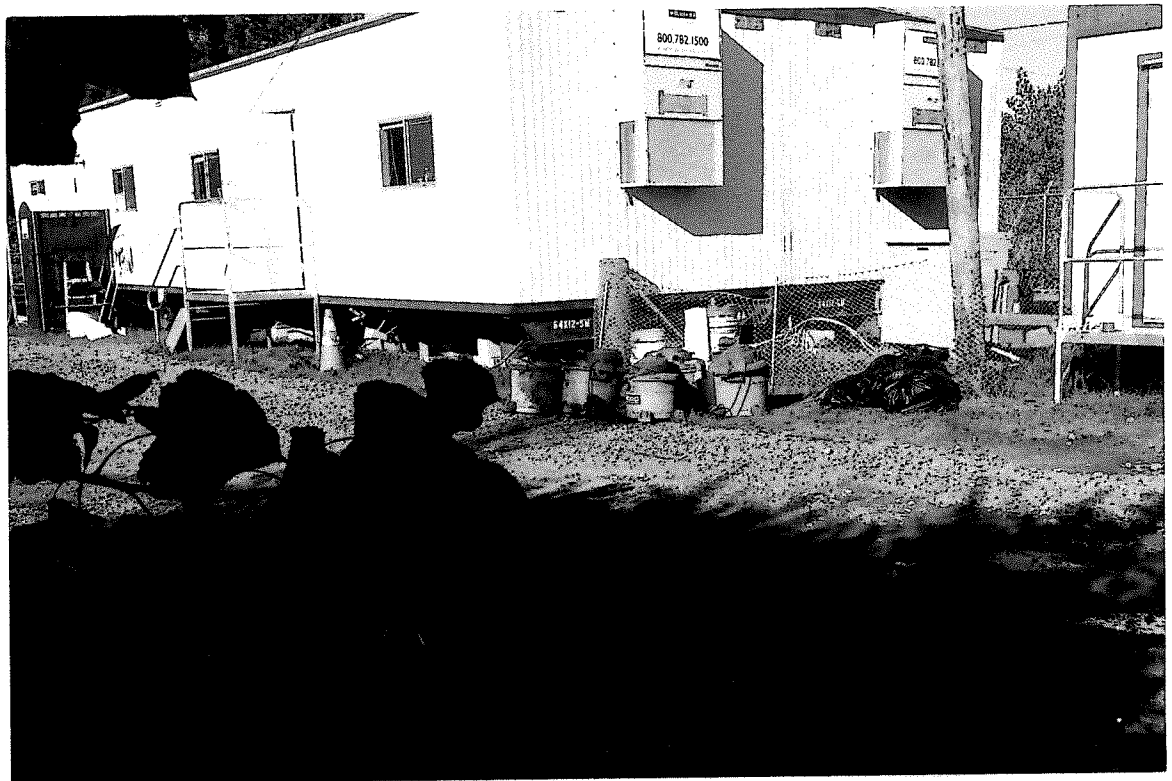
EMPLOYEE INSTRUCTIONS

Return this form to your supervisor Immediately after each visit to your health care provider.











(3) medical and physical problems due to the work I did and the conditions in which they put me to work.



Greece Volunteer Ambulance

5530 SHERIDAN DRIVE SUITE 3B
 WILLIAMSVILLE, NY 14221
 (888)897-4893

Patient Name: Alexander Guerrero-Toro

Insurance:

Patient Number: 23734389

Call Number: 37802245

Date Of Call: 10/28/2015

Call Time: 09:24 AM

Caller: *Police/Fire/911

From Location: 1101 BEACH AVE

To Location: ROCHESTER GENERAL HOSPITAL

Alexander Guerrero-Toro
 84 Brambury Dr
 Apt C
 ROCHESTER NY 14621

Reason(s) R51
 For R07.89
 Transport

| <u>DESCRIPTION OF CHARGES</u> | <u>HCPC</u> | <u>QUANTITY</u> | <u>UNIT PRICE</u> | <u>AMOUNT</u> |
|-------------------------------|-------------|-----------------|-------------------|---------------|
| Advance Life Support | A0427 | 1.0 | 1050.00 | 1050.00 |
| Mileage | A0425 | 9.3 | 26.00 | 241.80 |

Total Charges 1291.80

Total Credits 0.00

PLEASE PAY THIS AMOUNT => \$1291.80

 ^DETACH ALONG ABOVE LINE AND RETURN STUB WITH YOUR PAYMENT^

Amount Due: \$1291.80

Patient Name: Guerrero-Toro, Alexander
 Patient Number: 23734389

Call Number: 37802245
 Current Date: 11/02/2015

Amount
 Enclosed \$ _____

If you have insurance, please fill out the enclosed form, sign it and return it to us. If your insurance information is not provided you will be responsible for the balance due at this time. Thank you!

Greece Volunteer Ambulance 5530 SHERIDAN DRIVE SUITE 3B WILLIAMSVILLE, NY 14221

Rochester General Hospital
1425 Portland Avenue
Rochester, NY 14621
(585) 922-2000

Alexander Guerrero-Toro
10/29/2015

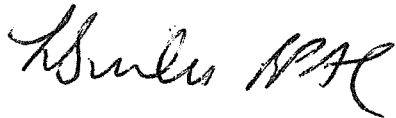
WORK/SCHOOL RELEASE FORM

This notice verifies that the above named was seen and treated in our hospital on the above printed date. Alexander will be able to return to work/school on 11-2-15.

After this date, Alexander should be able to participate in all duties.

Note: If the symptoms continue and the employee/student is unable to participate in full work/school activities, Please advise the employee/student to follow up with his physician.

Luanne Bianchi, PA



Work/School Excuse

**RGH Emergency
Services**

1425 Portland Ave
Rochester NY 14621-3001
Phone: 585-922-2000

October 27, 2015

Patient: **Alexander Guerrero-Toro**
Date of Birth: **12/28/1976**
Date of Visit: **10/27/2015**

To Whom It May Concern:

Alexander Guerrero-Toro was seen and treated in our emergency department on 10/27/2015.

He may return to work / school / 10/28/15 on 10/28/15.

If you have any questions or concerns, please don't hesitate to call.

Sincerely,



Emergency Department Provider

Work/School Excuse

**RGH Emergency
Services**

1425 Portland Ave.
Rochester NY 14621-3001
Phone: 585-922-2000

May 7, 2015

Patient: **Alexander Guerrero-Toro**
Date of Birth: **12/28/1976**
Date of Visit: **5/7/2015**

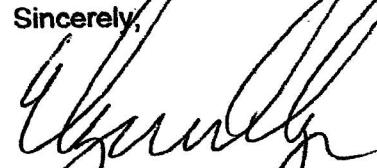
To Whom It May Concern:

Alexander Guerrero-Toro was seen and treated in our emergency department on 5/7/2015.

He may return to work / school / 5/9/15 on _____.

If you have any questions or concerns, please don't hesitate to call.

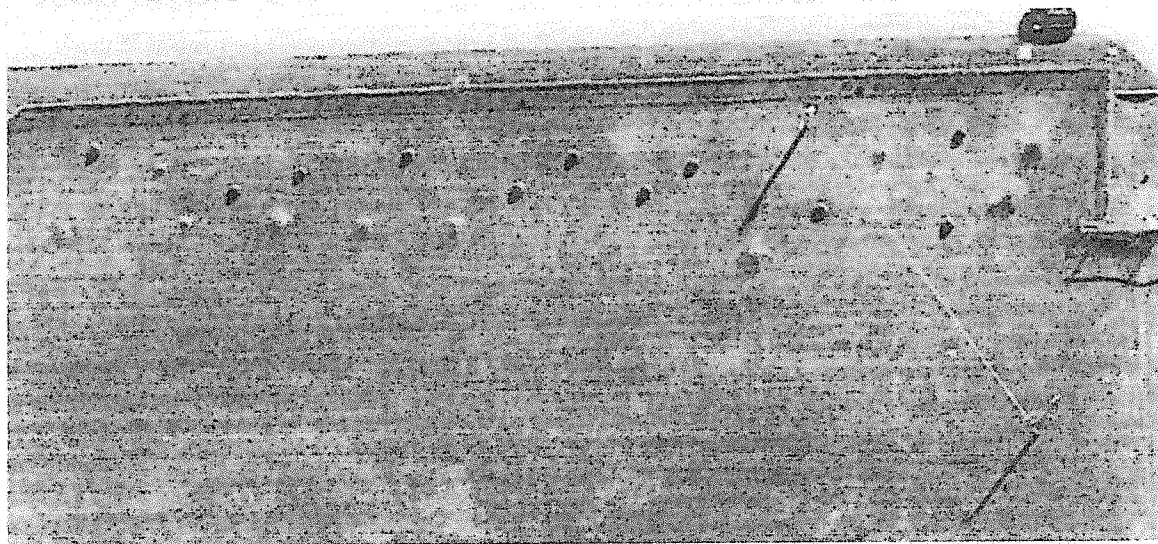
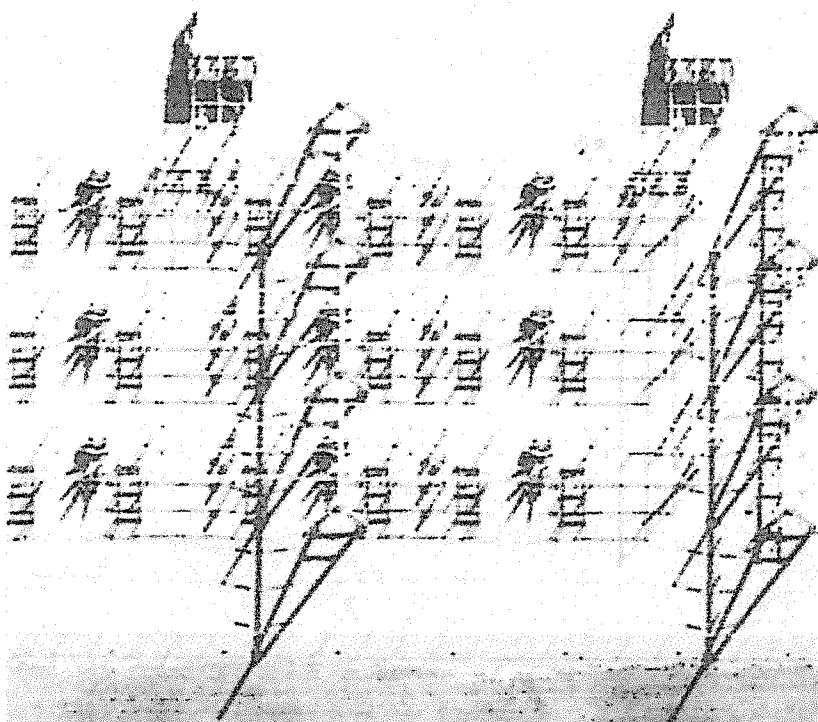
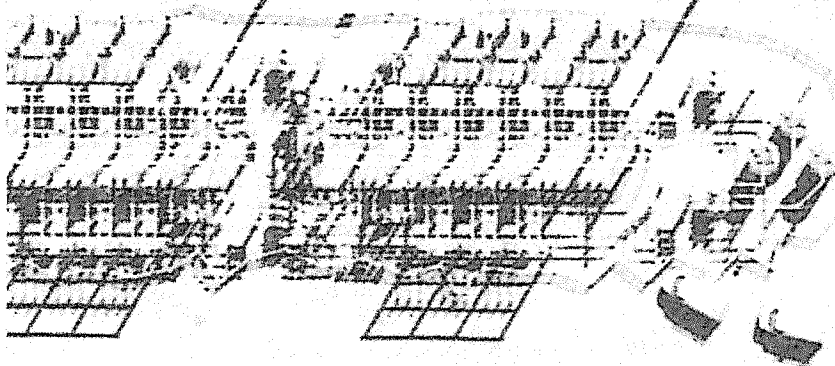
Sincerely,



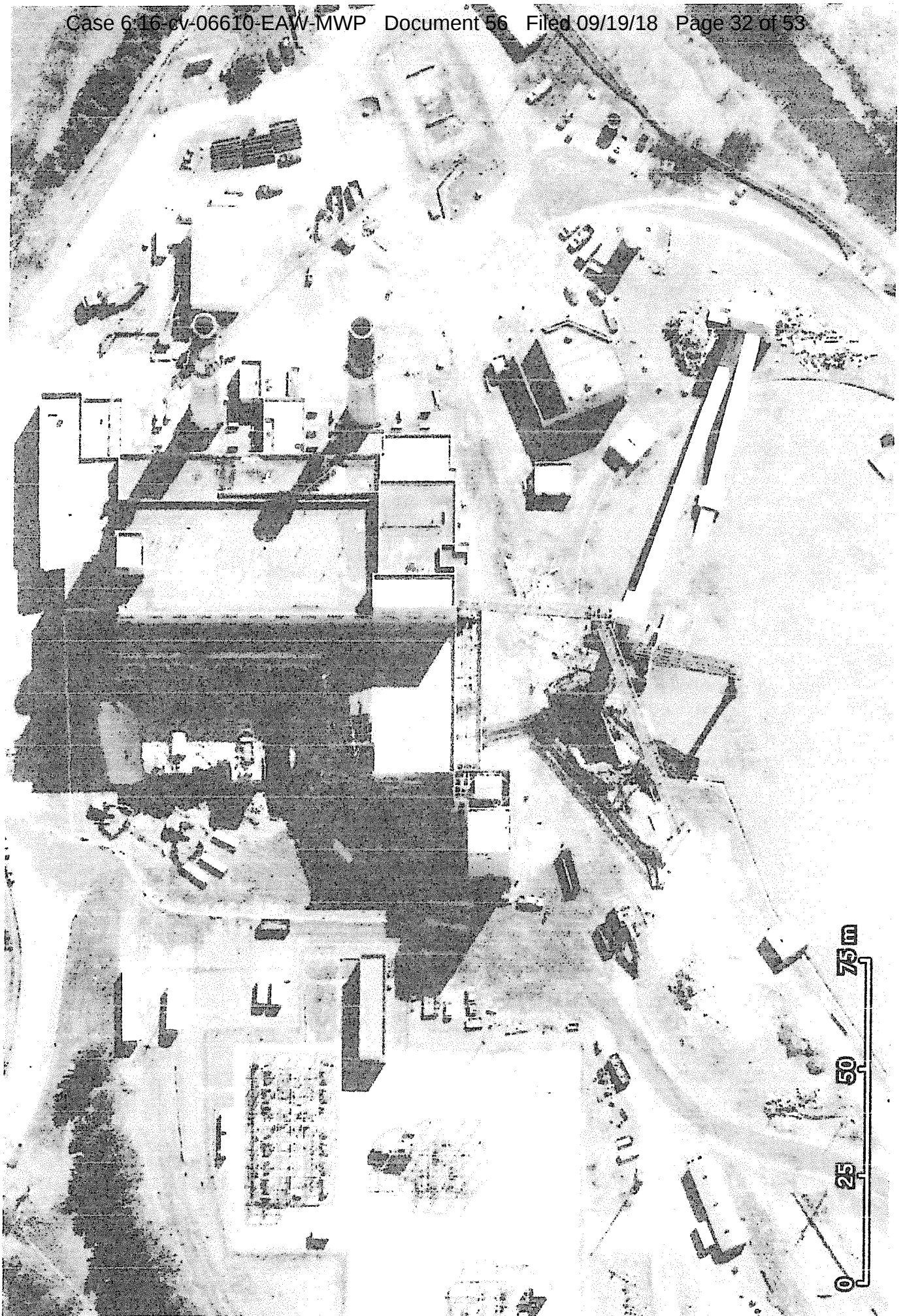
Emergency Department Provider



cercas de Charlotte -- (



0 5 10 15 m



4220 J. Neurosci., July 26, 2006 • 26(30):4215–4227

JENNA FRYER
DICKENS

Dale Earnhardt Jr. reacts on pit road after the NASCAR Sprint Cup Series Goodyear World of Coca-Cola 500 at Talladega Superspeedway on Sunday.

DOM LEVATOUSKI
CARTON - 1500 - 1000

WGL said it would announce ticket sales for the 2016 season soon. However, information has been sent to 2015 ticket holders.

ROCHESTER FORECAST

TODAY

Winds gusting
past 45 mph;
periods of rain63° 55°
17° Celsius 13°

THU

Very windy, cooler
with a shower or
two55° 39°
13° Celsius 4°

FRI

Increasing
amounts of
sunshine48° 35°
9° Celsius 2°

SAT



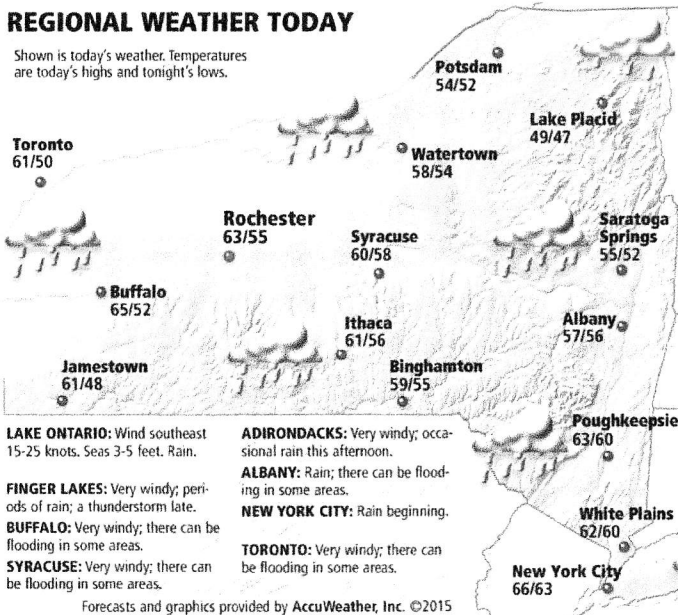
Increasing clouds

55° 45°
13° Celsius 7°

SUN

Mostly cloudy
with a passing
shower59° 46°
15° Celsius 8°

REGIONAL WEATHER TODAY

Shown is today's weather. Temperatures
are today's highs and tonight's lows.LAKE ONTARIO: Wind southeast
15-25 knots. Seas 3-5 feet. Rain.FINGER LAKES: Very windy; peri-
ods of rain; a thunderstorm late.BUFFALO: Very windy; there can be
flooding in some areas.SYRACUSE: Very windy; there can
be flooding in some areas.ADIRONDACKS: Very windy; occa-
sional rain this afternoon.ALBANY: Rain; there can be flood-
ing in some areas.

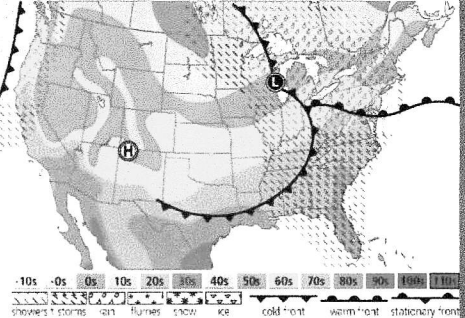
NEW YORK CITY: Rain beginning.

TORONTO: Very windy; there can
be flooding in some areas.

Forecasts and graphics provided by AccuWeather, Inc. ©2015

NATIONAL WEATHER TODAY

Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day.

National Summary: Drenching rain and gusty winds will spread from the Great
Lakes to the Northeast today as thunderstorms, locally severe in the Carolinas, rattle
the Southeast. Blustery winds will chill the northern Plains as some rain moves
through the Northwest and northern California.

ALMANAC

Rochester through 5 p.m. Tuesday

TEMPERATURE

High/low 55°/32°
Normal high/low 56°/38°
Record high 83° in 1947
Record low 26° in 1936
Last year high/low 60°/35°

PRECIPITATION (in inches)

24 hours through 5 p.m. Tue. 0.00"
Month to date 1.77"
Normal month to date 2.37"
Year to date 31.97"
Normal year to date 28.35"

WIND

Average 3.2 mph
Peak gust 9 mph
Direction East

HEATING DEGREE DAYS

An index of energy consumption indi-
cating how many degrees the average
temperature was below 65 degrees for the
day with negative values counting as zero.Tuesday 21
Season to date 426
Normal season to date 553
Last season to date 444

LAKE ONTARIO

Level as of 7 a.m. Tue. 244.66 ft.
Oct. long-term average 244.78 ft.
Deep-water temperature 56°

SUN AND MOON

THE SUN rise set
Today 7:40 a.m. 6:09 p.m.
Possible sun 10 hr., 29 min.
Thursday 7:41 a.m. 6:07 p.m.
Possible sun 10 hr., 26 min.THE MOON rise set
Today 7:22 p.m. 8:46 a.m.
Thursday 8:10 p.m. 9:56 a.m.

MOON PHASES

Last New First Full
Nov 3 Nov 11 Nov 19 Nov 25

SNOWFALL (in inches)

Rochester through 5 p.m. Tue.
trace 0.1 trace 0.10.0
Tue. Month Normal Season
to date M-T-D to date S-T-DRochester season to date Trace
Buffalo season to date Trace
Syracuse season to date 0.4"

ON THE WEB:

Click weather at
DemocratandChronicle.com

NATIONAL CITIES

| Today | Thu. | Today | Thu. | Today | Thu. | Today | Thu. | Today | Thu. |
|------------------------|----------|-----------------------|----------|-----------------------|----------|------------------------|----------|----------------------|----------|
| Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W |
| Albuquerque 64 43 s | 62 45 p | Columbia, SC 80 59 t | 79 53 p | Memphis 74 53 p | 72 44 s | Reno 58 38 sh | 60 35 p | Amsterdam 59 48 c | 59 49 s |
| Anchorage 46 37 c | 45 33 r | Columbus, OH 66 46 r | 55 40 p | Miami 86 74 sh | 86 74 t | Richmond 71 58 t | 76 44 p | Athens 65 56 s | 64 57 p |
| Asheville 69 50 c | 69 40 c | Dallas 76 51 s | 77 56 p | Midland 73 49 s | 77 57 p | Sacramento 72 52 sh | 80 53 s | Auckland 64 54 c | 61 53 r |
| Atlanta 73 59 c | 72 51 p | Denver 63 32 s | 59 35 p | Milwaukee 58 39 r | 51 39 c | St. Louis 65 43 c | 58 40 s | Baghdad 79 64 t | 77 63 t |
| Atlantic City 66 64 r | 71 50 p | Des Moines 56 37 c | 54 37 s | Minneapolis 49 37 c | 50 36 c | St. Petersburg 83 71 p | 82 67 p | Bangkok 80 79 t | 93 79 p |
| Austin 80 48 s | 79 59 p | Detroit 64 42 t | 52 39 sh | Missoula 51 33 p | 50 34 sh | Salt Lake City 62 44 p | 52 40 sh | Barbados 87 80 p | 87 80 sh |
| Baltimore 69 56 r | 73 41 p | Fairbanks 35 26 c | 29 22 sn | Nashville 70 53 c | 68 40 s | San Antonio 84 53 s | 81 65 p | Barcelona 68 54 s | 68 55 p |
| Billings 51 30 c | 55 38 p | Fargo 45 35 c | 48 32 p | Newark 66 64 t | 74 47 p | San Diego 77 66 p | 76 63 p | Beijing 59 40 s | 55 33 s |
| Birmingham 74 59 c | 75 48 p | Flagstaff 60 34 s | 51 32 p | New Orleans 80 65 p | 81 63 p | San Francisco 68 56 c | 71 57 s | Berlin 54 42 p | 55 44 p |
| Boston 60 41 c | 57 37 c | Helena 53 33 s | 53 36 c | Norfolk 76 65 t | 76 53 p | San Juan, PR 89 78 sh | 90 78 sh | Bermuda 78 74 sh | 80 74 sh |
| Boulder 57 56 r | 71 47 p | Honolulu 88 75 p | 89 75 p | Oklahoma City 69 45 s | 66 45 p | Santa Fe 59 35 s | 60 37 c | Bogota 69 46 p | 69 46 c |
| Brownsville 90 76 r | 88 75 t | Houston 83 55 s | 80 60 p | Omaha 57 35 c | 54 34 s | Seattle 58 52 r | 59 53 r | Buenos Aires 76 63 p | 72 56 t |
| Burlington, VT 55 51 r | 67 43 sh | Indianapolis 63 40 sh | 55 38 p | Orlando 85 69 t | 85 64 p | Sioux Falls 45 35 c | 50 31 s | Cairo 77 64 p | 77 60 s |
| Casper 55 23 s | 55 29 p | Jackson, MS 79 59 p | 77 50 p | Philadelphia 70 62 r | 75 48 p | Spokey 54 42 r | 54 42 sh | Calgary 45 31 p | 54 32 p |
| Charleston, SC 80 63 r | 80 59 p | Jacksonville 88 75 p | 83 60 p | Phoenix 86 67 s | 80 61 p | Tampa 84 72 t | 83 67 p | Cancun 86 73 t | 87 76 p |
| Charleston, WV 72 52 t | 64 39 c | Kansas City 60 35 p | 55 35 s | Pittsburgh 66 53 r | 56 42 sh | Trenton 68 63 r | 74 43 p | Copenhagen 52 44 p | 51 44 c |
| Charlotte, NC 74 54 r | 76 46 p | Key West 84 78 sh | 84 77 sh | Portland, ME 54 31 r | 68 41 r | Tucson 84 59 s | 76 36 p | Dublin 56 47 p | 55 47 c |
| Cheyenne 58 27 s | 55 32 p | Las Vegas 79 61 p | 75 57 p | Portland, OR 61 51 t | 63 53 sh | Wash., DC 70 61 r | 74 48 p | Frankfurt 56 45 p | 58 44 c |
| Chicago 57 37 t | 52 37 c | Little Rock 76 50 p | 73 45 s | Providence 61 57 t | 72 45 p | W. Palm Beach 86 72 t | 84 71 t | Halifax 50 43 p | 62 46 r |
| Cincinnati 67 45 sh | 56 38 s | Los Angeles 82 63 c | 81 62 p | Raleigh 74 60 t | 77 47 p | Wichita 66 38 s | 59 39 s | Havana 88 70 p | 88 70 p |
| Cleveland 66 45 t | 53 42 c | Louisville 68 49 sh | 62 41 s | Rapid City 47 18 p | 50 29 s | Wilmington, DE 69 61 t | 74 43 p | Paris 58 48 t | 59 50 s |

INTERNATIONAL CITIES

| Today | Thu. | Today | Thu. | Today | Thu. | Today | Thu. | Today | Thu. |
|----------------------|----------|----------------------|---------|------------------------|----------|---------------------|---------|---------------------|----------|
| Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W | Hi Lo W |
| Amsterdam 59 48 c | 59 49 s | Hong Kong 84 77 s | 83 75 p | Quebec 50 41 r | 59 37 r | London 58 51 c | 60 53 r | Sydney 73 58 p | 73 59 s |
| Athens 65 56 s | 64 57 p | Istanbul 60 54 s | 62 54 p | Rio de Janeiro 81 71 r | 80 71 c | Madrid 61 48 c | 64 48 p | Tehran 73 60 c | 67 54 sh |
| Auckland 64 54 c | 61 53 r | Jerusalem 64 55 sh | 62 53 t | Rome 67 56 t | 66 48 t | Manila 88 79 c | 88 78 p | Tel Aviv 75 67 t | 74 66 t |
| Baghdad 79 64 t | 77 63 t | Johannesburg 83 52 s | 79 54 s | Santiago 73 52 p | 70 50 p | Mexico City 71 55 t | 72 55 t | Tokyo 74 60 p | 64 56 r |
| Bangkok 80 79 t | 93 79 p | Kabul 68 37 s | 74 39 p | Santo Domingo 89 73 p | 91 73 t | Montreal 52 48 r | 62 39 c | Toronto 61 50 r | 50 38 c |
| Barbados 87 80 p | 87 80 sh | Kiev 46 25 p | 44 25 s | Sao Paulo 73 64 t | 72 62 c | Moscow 38 24 c | 35 29 p | Vancouver 55 30 r | 55 47 p |
| Barcelona 68 54 s | 68 55 p | Kinshasa 86 73 c | 87 73 t | Seoul 60 34 s | 58 33 sh | Nairobi 77 61 c | 76 61 c | Vladivostok 54 47 p | 53 43 c |
| Beijing 59 40 s | 55 33 s | Lima 75 66 p | 75 65 p | Singapore 87 78 c | 90 78 p | New Delhi 79 62 p | 78 61 p | Vienna 54 47 p | 53 43 c |
| Berlin 54 42 p | 55 44 p | Lisbon 66 62 c | 68 61 p | Stockholm 46 30 s | 46 34 p | Oslo 50 42 c | 48 44 c | Warsaw 50 36 p | 50 36 p |
| Bermuda 78 74 sh | 80 74 sh | London 58 51 c | 60 53 r | Sydney 73 58 p | 73 59 s | Ottawa 49 47 r | 57 36 c | Winnipeg 45 34 sn | 42 29 c |
| Bogota 69 46 p | 69 46 c | Madrid 61 48 c | 64 48 p | Tehran 73 60 c | 67 54 sh | Paris 58 48 t | 59 50 s | Zurich 58 47 p | 55 43 c |
| Buenos Aires 76 63 p | 72 56 t | Manila 88 79 c | 88 78 p | Tel Aviv 75 67 t | 74 66 t | | | | |
| Cairo 77 64 p | 77 60 s | Mexico City 71 55 t | 72 55 t | Tokyo 74 60 p | 64 56 r | | | | |
| Calgary 45 31 p | 54 32 p | Montreal 52 48 r | 62 39 c | Toronto 61 50 r | 50 38 c | | | | |
| Cancun 86 73 t | 87 76 p | Moscow 38 24 c | 35 29 p | Vancouver 55 30 r | 55 47 p | | | | |
| Copenhagen 52 44 p | 51 44 c | Nairobi 77 61 c | 76 61 c | Vladivostok 54 47 p | 53 43 c | | | | |
| Dublin 56 47 p | 55 47 c | New Delhi 79 62 p | 78 61 p | Vienna 54 47 p | 53 43 c | | | | |
| Frankfurt 56 45 p | 58 44 c | Oslo 50 42 c | 48 44 c | Warsaw 50 36 p | 50 36 p | | | | |
| Halifax 50 43 p | 62 46 r | Ottawa 49 47 r | 57 36 c | Winnipeg 45 34 sn | 42 29 c | | | | |
| Havana 88 70 p | 88 70 p | Paris 58 48 t | 59 50 s | Zurich 58 47 p | 55 43 c | | | | |

W-weather, s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, i-ice.

**(4) Events and
notifications to the
company of Cases No.
10178548 and 10178236.**

Alexander Guerrero Toro
610 Calm Lake Cir Apto B
Rochester ,NY 14612

Case Number 10178548

I Alexander Guerrero Toro again do not agree with any of the statements made by NorthStar Demolition and Remediation, Inc., as they are false and extorted and the documents shown have a lack of credibility which I recommend that it be investigated for possible manipulation and falsification of documents .

The facts occurred as follows, and for proof and veracity of my word also along with my statement I show the documents that support the veracity of my words.

On October 26 I was placed in a job where my job had no purpose since I was placed near the checkpoint of the entrance, to take notes of the time of entry and exit and name of the company that entered To the plant, said work is done by the security guards of the plant in the entrance gate of the plant stressing that it was a cloudy day with winds and cold and I was unprotected since it was in the open while the guards Were protected at the checkpoint, this situation caused me not to be able to attend work on Tuesday 27 and have to attend the emergency corps of the general hospital.

Again on the 28th, when I returned to work, I presented to Raymon Cox the document that showed the visit to the hospital and my stay in the emergency room. Raymon Cox and Shane Beckingham report this morning at 7 am at the meeting. The meeting that nobody could work outside the plant as it could be very dangerous because of the weather conditions that had and yet I was the only worker who put to work outside the bildin and in the same job on the 26th day in which no I did not perform any function, emphasizing that I was under 400,000 volt high-voltage power cables and in front of a high-voltage transformer station at nine in the morning I pass by my Raymon Cox workstation and seeing the situation of the time It was raining and very windy, instead of taking me out of the danger it was he was laughing and going to the offices and at 9:30 am I was transferred by 911 in an ambulance To the hospital and hospitalized with an uncontrolled arterial impertinence and chest pains caused by the working conditions in which I was, I was discharged on the 29th at 2:22 pm, which the doctor tells me That I can not return to work until November 2, 2015.

On November 2, 2015 I gave the doctor's authorization that I could work and participate in all the work and Raymo Cox informs me that he can not leave me working because he has to send a document to a committee to see if I was working And they send me to the house, without a salary and on Friday, 6th of 2015, Raymon Cox calls me and he informs me to present me on Monday the 9th to the company at 8am and not to 7th that was my entry to work, When I arrived at the company on the 9th was present Victor a worker who served as translator and Raymon Cox tells Victor that I will retire the 10 hours overtime and that I will only work 40 hours a week, completely changing my schedule Work, that my new entry time was at 8 in the morning was the only worker who had to sign in the office at 8, my lunch schedule was put to me at 11 am and the exit to the 4:30 pm, being the only worker of more than 60 workers at that time who was in the company that had taken overtime hours and had totally isolated him from the other workers because my schedule did not allow me to be in communication With my co-workers, as my schedule was at 11 noon and the other workers at 12 noon when they were leaving their lunch I was alone in my work without any supervision and Completely isolated since he was the only worker who was working from 12 to 1 in the afternoon and the others were in their lunch schedule, being exposed to it if an accident happened to me or some other event in my job nobody was He would find out until 1 middav when the workers returned to the work area

Alexander Guerrero Toro
610 Calm Lake Cir Apto B
Rochester , NY 14612

Case Number 10178236

In the first week of May of 2015 I find myself washing with the Power Washing machine in an industrial carbon filter and shredder machine, where it was contaminated with ratun, pigeon, lead, charcoal shit.

In that week specifically on Wednesday, May 6, 2015 at 12 noon I have to communicate that I have a fever and I feel bad about the flu or flu caused by the water and the contamination to which I was exposed, because although I had a suit Protector, water, grease and lead passed through the protective suit and one was always wet and contaminated.

On May 7, 2015, I have to go to the emergency department of the General Hospital because I was in poor condition.

On Monday, May 11, 2015 I tell Eddie de Jesus what happened and ask him if you can help me with the villain of the hospital or if you can raise my salary so I can pay the villain of the hospital since my wife was 5 months old. Pregnancy and things had been complicated, and I had been working with them for 3 months and deserved a raise because there were people winning more than me for the same job. Eddie de Jesus told me that he was going to talk to Jeff Beckingham.

In the following days I was told to Eddie de Jesus if I was going to raise the salary and he told me that a dollar and that never happened. Again I communicate my problem of the hospital vile to Shane Beckingham and he replies that with what they paid me I could pay the vile, that they would not pay me the vile nor raise my salary. In addition, the 25 hours of work that my health problem caused by the constant contamination of my work did not pay me either.



Alexander Guerrero Toro
610 Calm Lake Cir Apto B
Rochester, NY 14612

Case Number : 10178236

On June 5, 2015 I was in my office washing with the power washing the mats that carried the charcoal to the plant, these mats were in channels on rises and quite long ones which were very annoying and was never standing straight was always inclined And the power wash made me the hardest job.

Day 5 in the afternoon at 5:30 pm I taught Eddie de Jesus the injuries he had on both legs because of the position he was working he told me to report it to Raymond Cox which I did when I was signing The exit sheet in front of the workers.

On June 6 at noon at lunch time again I show the injuries to Eddie de Jesus and tells me to take a pill for the pain and to shut my mouth.

A handwritten signature in black ink, appearing to read "Toro", with a horizontal line underneath.

Alexander Guerrero Toro
610 Calm Lake Cir Apto B
Rochester ,NY 14612

December 12-14-2015

Case No. 10178236

I Alexander Guerrero Toro I do not agree with any of the statements made by Chief Beckingham or Eddie de Jesus since they are false and when the analyzes are identical and prepared. Then I explain the reasons and the only truth.

1- I did not work only three or four weeks before the day of the injury, for five months I was working on the power washing machine, there is a record where the worker signs in the area that is working and there can verify the time And in the place that was working and what was the work that was done.

2-On July 30, 2015, I told Eddie de Jesus that I was tired of the power washing machine and that I was training another person or that they put somebody else to help me and he told me that if he wanted an increase in A dollar to my salary to remain there and that shane Beckingham did not want me to change my position and the salary did not raise it after Eddie of Jesus promised me verbally.

A. Before July 31 they increased the salary to several workers and I never got to increase it.

3- The facts happened as follows and not as the version they declare.

On Friday, August 14, 2015 at 12 noon I went to the office with Julio Gonzales that he left at 12 and did not know where to sign and I was going to explain where he had to go to sign. On the stairs I tell Jeeff Beckingham that I have the inflamed hand and with pain the former Sebastian communicates to Jeeff that he is of the power washing.

On Monday 16 I have to leave work at 3pm because the pain would not let me work. Supervisor Shane Beckingham tells me in the presence of Eddie de Jesus that because of the pain in the arm I can not go, that if I go to the hospital, and I tell him not to go home. On Tuesday, August 17, in the morning at 9 am, I tell the forme Sebastian that I can not take more of the pain and he tells Eddie de Jesus and I go to the office. If I'm taking something for the pain and I say yes. Jeeff Beckingham tells me that as the medication is called and I send a message to my wife to send me a picture and she gives it to me, Jeeff tells me to increase the Acetaminophen dose of 500 which was what the medicine was called I had bought, and Eddie de Jesus translated me that Jeeff said that I did not work and that I sat in the dining room that if Monday, August 24, the pain had not relieved me, they would take me to the hospital.

4- On Thursday, August 20, I can not go any further and I have emergency visits to the General Hospital at night.

5-On the 21st I call to work and I communicate what happened, Alexis Guerrero communicates to Shane Beckingham the happened of my visit in the hospital, and Shane communicates to Alexis Guerrero that if I said in the hospital that had been in the Work and Shane tells me that Alexis Guerrero is going to come and get me to take me to work and take me to a clinic.

A. When I get to work, Eddie de Jesus tells me that the bosses want me to sign a paper that the injury had not been at work and I told him that I would not sign any documents because they better than anyone knew that I had spent at work.

B. On that day my wife was due for childbirth and Jeeff Beckingham tells Eddie de Jesus that if I signed the paper he would pay me the full week if it was a natural childbirth and if it was I would cease paying for two weeks in the house but With the condition that he had to sign the paper.

C. Shane Beckingham tells Eddie de Jesus to tell me in the form of a threat to the purpose that I sign the paper that when other workers found out that they were going to take the bonus that was given for not having an accident at work I was going To hit because I reported the accident was to withdraw the bond, that was a threat because in fact the bond was not withdrawn because my injury was caused by a repetitive job and not an accident.D. Safety Raimon Cox then makes the report and takes me to the Workfederal Clinic. We are joined by Victor, a Honduran who currently lives in North Carolina and was working with me to serve as a translator. Raimon Cox was trying to convince me that the doctor who attended me did not testify that my injury had been caused by repetitive work and when She disqualified me to 33 percent in the first consultation I had, he did not agree and gave his personal phone number as if it were mine for when I was called for questions or queries who spoke and in these documents I put copies of The aforementioned my role that I was given in the first consultation with my disability status and the number that appears are from the office and staff of Raimon Cox and not my personal number, from that same day began the problems towards me and The violations of my disability and discrimination.



Alexander Guerrero Toro

Alexander Guerrero Toro
Case No. 10178236

The alleged violations that appear in my case that I have missed are false since I have always called and informed my situation and if they are not signed by me is that the accusations are false since on October 21 I call the office and I Report my situation to Jeeff Beckingham at 9am, my hands hurt and were swollen and here I show you the evidence.

On October 30th I did not call since on the 29th I was discharged from the hospital and the doctor gave me a paper authorizing until November 2, 2015.

On September 9, 2015 I had a telephone interview with Beverly Gustafson (Medical Only Representative) his telephone number (518) 2207308 and in this interview I was informed that I was going to be taxed in this interview this information that I explained before And how the events happened. The interview was made by the telephone of Raimon Cox (321-271-6859).

A handwritten signature in black ink, appearing to read 'Toro', with a horizontal line underneath.

Alexander Guerrero Toro
610 Calm Lake Cir Apto B
Rochester, NY 14612

Case Number 10178236

On September 10, 2015, I have a consultation at NY PHYSICAL MEDICINE CENTER, EN 1295 PORTLAND AVENUE, STE 9 and they give me the RETURN TO WORK STATUS FORMS where my disability is explained and you could not use the right hand and none of the extremities of the Right arm this form was given to Raymond Cox.

On Monday, September 14, 2015 supervisor Shane Beckingham puts me to work in the sun with Isabel a worker who was injured and has also been discriminated against in this company, in the form of blackmail they bring us the contaminated things for us to clean them. These work implements were contaminated with asbestos, lead and had to be cleaned in a closed area prepared for the contamination, emphasizing in my RETURN TO WORK STATUS FORMS I forbade doing this work as I had to use the right hand as it is the hand with Which I work because I am right not left-handed. At 5 and 30 of the same day September 14, 2015 the supervisor known as Honduran Tursio of nortcarolaina sees me and tells me that I had happened that his face was so red and burned.

On the night of September 14, 2015, I could not sleep from the pains in my hand and on the morning of September 15, 2015, after the meeting was over I told Adbiel Pereira to tell Shane Beckingham that I am not going to perform the Same job because the hand hurt too much and he comes furious making a phone call and says out loud that he's going to call every company in Rochester to never give me work.

A handwritten signature in black ink, appearing to read "Toro", is written over a horizontal line.

Alexander Guerrero Toro
610 CALM LAKE CIR APTO B
ROCHESTER ,NY 14612

Case Number :10178236

On Monday, November 23, 2015 around 2:30 p.m. Raimon Cox is approaching me where I was working it was in the tanks that the water is filtered for decontamination, and tells me that it was missing out At 4:10 in the afternoon to his office that he needed to talk to me.

When I arrived at his office at the time that he had told me, Victor was sitting next to Victor, a Honduran translator, and informed Victor that we were going to leave the house because he did not want Jeeff Beckingham to hear our conversation, since He was sitting in the office and we went out in front of the scrape and we walked away a little, the first question he tells Victor to ask me is:

As I feel if I feel good in the water tanks

And I reply: that at that moment I felt better also tells me that he needs me to return to work with my restrictions that I had from the beginning, to try not to use the right hand or lift anything that weighed more than 10 Pounds and tells me that the whole week will ask me how I feel and if I feel good on the site that I am working on that moment we are talking Shane Beckingham arrives and in a tone of laughter says that if we had a separate meeting And Raimon Cox did not respond and the conversation ended and I retired as it was 4:30 p.m.



Alexander Guerrero Toro



Division of Human Rights

ANDREW M. CUOMO
Governor

HELEN DIANE FOSTER
Commissioner

November 5, 2015

NorthStar Demolition and Remediation, Inc.
Attn: Director of Human Resources
120 Elmgrove Road
Rochester, NY 14624

Re: Alexander Guerrero Toro v. NorthStar Demolition and Remediation, Inc.
Case No. 10178236

Enclosed is a copy of a verified complaint filed with the Division of Human Rights against you. This complaint, which alleges an unlawful discriminatory practice in violation of the New York State Human Rights Law, is being served upon you pursuant to Section 297.2 of the Human Rights Law (N.Y. Exec. Law, art. 15).

Please submit a response **in duplicate** to each and every allegation in the complaint, complete the enclosed Respondent Information Sheet, and return the response and Information Sheet to the Division, at the address below, or via e-mail to roc.syr@dhr.ny.gov, **within fifteen (15) calendar days from the date of this letter**. The Division will not extend the time for this response, unless good cause is shown in a written application, submitted at least five (5) calendar days prior to the time the response is due. **Failure to respond could result in an adverse finding against you, which would be shared with, among others, the Secretary of State and the applicable State licensing agencies that govern your business.**

The Human Rights Law prohibits retaliation against any person because he or she has opposed discriminatory practices, filed a discrimination complaint, or participated in any proceeding before the Division. Human Rights Law § 296.7.

Anyone who willfully resists, prevents, impedes or interferes with the Division's investigation shall be guilty of a misdemeanor punishable by imprisonment, by fine, or by both. Human Rights Law § 299.

As the enclosed information sheet provides, the Division will conduct a prompt investigation, based on the complaint and your response, which may include interviews with your representatives and the collection of documents. The Division expects your full cooperation in this investigation. After the investigation is completed, the Division will make a determination as to whether there is probable cause to believe that unlawful discrimination has occurred. You will be notified of this determination.

Protection of personal privacy: In most cases, you will be expected to submit documents in support of your response to the complaint. The Division observes a personal



Division of Human Rights

ANDREW M. CUOMO
Governor

HELEN DIANE FOSTER
Commissioner

November 24, 2015

NorthStar Demolition and Remediation, Inc.
Attn: Director of Human Resources
120 Elmgrove Road
Rochester, NY 14624

Re: Alexander Guerrero Toro v. NorthStar Demolition and Remediation, Inc.
Case No. 10178548

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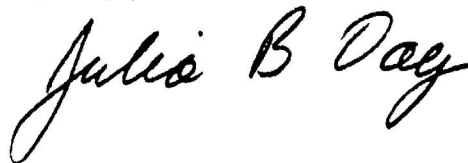
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privacy protection policy consistent with Human Rights Law § 297.8 which governs what information the Division may disclose, and the N.Y. Public Officer's Law § 89 and § 96-a, which prohibit disclosure of social security numbers and limit further disclosure of certain information subject to personal privacy protection. Please redact or remove personal information from any documentation submitted to the Division, unless and until the Division specifically requests any personal information needed for the investigation. The following information should be redacted: the first five digits of social security numbers; dates of birth; home addresses and home telephone numbers; any other information of a personal nature. The following documentation should not be submitted unless specifically requested by the Division: medical records; credit histories; resumes and employment histories. The Division may return your documents if they contain personal information that was not specifically requested by the Division. If you believe that inclusion of any such personal information is necessary to your response, please contact me to discuss before submitting such information.

If you have any questions about the process generally, or how to submit your response, please call me at (585) 238-8250.

Very truly yours,

A handwritten signature in black ink that reads "Julia B. Day". The signature is written in a cursive, flowing style.

Julia B. Day
Regional Director

cc: NorthStar Group Services, Inc.
Attn: Director of Human Resources/Legal
Seven Penn Plaza
370 7th Avenue, Suite 1803
New York, NY 10001

Enclosures:
Verified Complaint
Respondent Contact Information Form
Information for Respondents



Division of Human Rights

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120 Elmgrove Road
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Julia B. Day
Regional Director

Enclosures:
Verified Complaint
Respondent Contact Information Form
Information for Respondents

(5) Psychological Exam

Alexander Guenvero Toro

Applicant's Name

9/19/2017

Date

(585) 350 4183

Applicant's Phone

610 Calm Lake Cir

Apt B Rochester NY 14612

Applicant's Full Address

SEND TO:
CAREER SYSTEMS
96 COLLEGE AVENUE, 2ND FLOOR
ROCHESTER, NY 14607
PHONE: 585-544-4880
FAX: 585-544-9070

~~FAX~~ 585 544 9070

REFERRAL TO ACCES-VR
FOR INDIVIDUALS RECEIVING
MENTAL HEALTH TREATMENT

In order for ACCES-VR to process this referral packet, it **MUST** include:

- Facility's own Psychosocial/Intake Summary
- Current treatment plan review
- Discharge summary, if appropriate

Please note: Incomplete referral packets will be held and the individual will not be seen by an ACCES-VR counselor until all the required information is received. If you have any questions, please call your ACCES-VR liaison counselor.

**New York State Education Department
Office of Adult Career and Continuing
Education Services (ACCES-VR)
109 South Union Street, 2nd Floor
Rochester, New York 14607
Telephone: (585) 238-2900
Fax: (585) 325-2001**

Treatment Report

This report is needed by the ACCES-VR counselor to establish eligibility for VR services and/or to develop an individualized plan for employment. You may complete this form or provide a typed narrative which includes all of the required information. Thank you!

Individual's Name: Guerrero Toro Alexander
(Last) (First) (M.I.)

Date of Birth: 12/28/1976

I. Current Diagnosis

Use most current DSM Classifications. Please include the written diagnosis and the appropriate ICD number:

Major Depressive Disorder
Anxiety Disorder

Please complete the following, checking "Yes" or "No", as appropriate.

II. Therapeutic Participation/Progress

1. Individual has responsibly participated and made satisfactory progress in treatment/therapy:

☒ Yes

☐ No

If "No", please describe: _____

Frequency of therapy appointments: monthly

2a. Are medications currently prescribed?

☒ Yes☐ No2b. If yes, what are the current medications (type and frequency)? bupropion daily
escitalopram daily, trazodone PRN

2c. Individual is stable on psychotropic medication and is taking it as prescribed.

☒ Yes☐ No

3. Are case management services being provided?

☐ Yes☒ No

If "Yes",

Name of Case Manager: _____

Phone: _____

Please Print

III. Chemical Dependency

Does the individual have a history of drug or alcohol abuse?

☐ Yes☒ No

If "Yes", has treatment been recommended?

☐ Yes☐ No

Has treatment been completed?

☐ Yes☐ No**IV. Please discuss your opinion on the following factors to be considered in relation to training, education and employment services:****1. Personal Awareness and Motivation**Degree of understanding of capacities and limitations and realistic decision-making skills.
How has the individual demonstrated an understanding of his or her need for ACCES-VR services to obtain employment?Patient understands ACCES VR will help him explore his abilities
within his limitations**2. Functional Limitations**

Response to pressure, supervision, working conditions to be avoided, etc:

Patient has a history of working and did well with pressure
and supervision.
Avoid large crowds.**3. Barriers to Employment**

Please indicate how the individual's disability has been an obstacle to employment and/or the reason(s) why s/he can't or shouldn't return to previous employment:

Patient has some physical/health issues that caused him to
be taken out of work.

4. Work Ability Estimate

☐ Excellent

☒ Good

☐ Fair

☐ Poor

Explain reasoning: _____

5. Housing

Individual has a stable residence

☒ Yes

☐ No

6. Legal

Has the individual ever been convicted of a felony?

☐ Yes

☒ No

If "Yes", please explain: _____

Are there any pending charges?

☐ Yes

☒ No

If "Yes", please explain: _____

7. Recommendations to ACCES-VR counselor:

Pertinent factors which will assist in ACCES-VR's planning and working with the individual:

Patent is Spanish speaking

Primary Therapist: Jacqueline Y. M. G. H. G.
Please Print

Phone: 922-7403
Ext

Agency Name: Genex Mental Health

Agency Address: 224 Alexander St

Date of Report: 9/22/2017

Signature: [Signature]

Person completing the form

Title and Credentials: LCSW